

**LOCAL LAW #5 OF 2015  
A LOCAL AMENDING  
CHAPTER 42 ENTITLED  
“STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”  
OF THE CODE OF THE VILLAGE OF GOSHEN BY THE ADDITION OF A  
PROVISION REGARDING DUMPSTERS AND DUMPSTER ENCLOSURES**

**BE IT ENACTED** by the Village Board of the Village of Goshen as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Chapter 42 entitled ‘Streets, Sidewalks and Other Public Places’ of the Code of the Village of Goshen: Dumpsters and Dumpster Enclosures.”

**SECTION 2 – INTENT**

- (1) Intent. The intent of this section is to establish rules for the enclosed dumpster areas in order to:
- (a) Prevent accumulations of garbage and rubbish from spreading throughout the Village and endangering the health and welfare of citizens.
  - (b) Enhance the aesthetic appearance of the community.

**SECTION 3 – AMENDMENT OF TEXT OF CHAPTER 42**

The text of chapter 42 is hereby amended by the addition of a new Article, to be designated as Article IX. It shall read as follows:

**Article IX. Regulations regarding Dumpsters and Dumpster Enclosures.**

**Sec. 42-190: Screening requirements for existing dumpsters**

- (1.) This subsection is intended to regulate dumpsters placed within the Village on or before the effective date of this subsection.
- (a) Property owners with existing dumpsters on their property as of the effective date of this subsection shall cause the following

improvements to be made within two years of the effective date of this subsection:

- [1] Installation of any screening needed to prevent the dumpster from being seen from:
  - [a] A village, county or state roadway or other ROW;  
or
  - [b] A residence (regardless of zoning)
- [2] Screening may be accomplished by:
  - [a] Full dumpster enclosure (see detail as contained in Exhibit A);
  - [b] Partial dumpster enclosure (containing 1, 2, or 3 sides);
  - [c] Six-foot opaque fence located between the dumpster and the viewer's location;
  - [d] Year-round landscaping (coniferous/evergreen); or
  - [e] Any combination of the above.
- [3] Property owners must keep full enclosures and partial enclosures in good repair and in a safe and structurally sound condition. Property owners must maintain the effectiveness of vegetation screens by properly caring for and replacing, as necessary, the plantings that serve as screening devices.
- [4] The property owners shall be responsible for the cleanup of the interior of each enclosure and partial enclosure. Enclosure areas and partial enclosure areas shall be kept free from litter and other solid waste, except for that which is placed in dumpsters. Enclosure areas and partial enclosure areas shall be maintained to prevent odors and rodent and insect infestation. Garbage and other solid waste shall not accumulate in any manner that creates a visual or public health or safety nuisance.

- (2.) Screening requirements for new dumpsters. The requirements of this section are not intended to apply to dumpsters that were placed within the Village prior to the effective date of this local law and enclosed in a manner that meets the general

intent of this section. All dumpsters placed within the Village on or after to the effective date of this subsection shall meet the following requirements:

- (a) All properties that utilize a dumpster shall also provide an enclosed dumpster area.
- (b) All dumpster enclosures shall be located behind the front of the building line or behind the front corner of the primary structure, whichever is the greater distance from the property. If the topography or other conditions will not allow the dumpster enclosure to meet this requirement, the building department or Planning Board shall designate an appropriate location.
- (c) Dumpster shall be surrounded by an opaque enclosure that is compatible with the design and color of the principal building. Chain link fences shall not be permitted as an enclosure.
- (d) Dumpster enclosures shall have a minimum height of six feet. If the dumpster is taller than four feet, the enclosure shall be two feet taller in height than the dumpster.
- (e) All dumpster enclosures shall be placed on a concrete pad with a concrete apron.
- (f) Dumpster enclosures shall not be located on any required parking spaces.
- (g) Dumpster enclosures shall not be located any closer than five feet to a lot line
- (h) Dumpster enclosures shall not be located within any required buffers or easement.
- (i) All dumpsters must have tightly fitting covers that are kept closed at all times except when dumpster is in the process of being filled or emptied. Garbage, recyclable materials, and other solid waste must be completely contained within the dumpster and shall not accumulate so that the dumpster cover cannot be firmly closed.
- (j) All dumpsters shall be emptied and disinfected regularly. "Regularly" shall, for the purpose of this section, be interpreted to mean as often as necessary to prevent the accumulation of garbage from exceeding the capacity of the dumpster or as often as necessary to prevent the existence of a health hazard. The Superintendent of Public Works shall have the power to direct the disinfecting, cleaning or emptying of any dumpster which he finds to be a hazard to the public health.

- (k) The property owner shall be responsible for the cleanup of the interior of each enclosure and partial enclosure. Enclosure areas and partial enclosure areas shall be kept free from litter and other solid waste, except for that which is placed in dumpsters. Enclosure areas and partial enclosure areas shall be maintained to prevent odors and rodent and insect infestation. Garbage and other solid waste shall not accumulate in any manner that creates a visual or public health or safety nuisance.

#### **Sec. 42--191: Penalties**

A. Any person or entity violating any provision of this chapter shall, upon conviction therefore, be subject to a fine not to exceed \$250.00 for the first offense.

B. Any person or entity committing an offense hereunder within six months of his or its conviction of any prior offense hereunder shall be fined not less than \$250.00 nor more than \$500.00.

C. In addition to the foregoing, the Village shall have the right to maintain a proceeding in a court of competent jurisdiction for such other further, different and/or alternative relief as it may deem just and proper

#### **SECTION 3 - VALIDITY**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **SECTION 4 - EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.